

COVID-19 and Disposable Migrant Workers

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2020-04-16T12:40:22

Picture this: The world is battling a pandemic, with many countries in lockdown and borders closed. You arrive at a regional airport in northern Romania and [wait for hours](#) in the parking lot to board a charter flight. You might end up in [Baden-Baden, Berlin or Düsseldorf](#)—it's hard to know, since no one is telling you what the final destination is. Physical distancing seems not to apply. You are jammed together with [2000 other people](#) waiting to be placed as seasonal workers in the fields of Germany. Asparagus needs to be picked and the new crop need to be planted so the Germans can enjoy [uninterrupted](#) production of the spring vegetable through 2020 and 2021.

This was the image at Romania's Cluj-Napoca airport on [April 9, 2020](#). One year earlier, in 2019, [300,000 seasonal workers](#), mainly from Eastern Europe, arrived in Germany to work the fields. In 2020, despite the stringent social distancing measures imposed internationally to stop the spread of COVID-19, Germany's ministry of agriculture seemed [determined](#) to continue the seasonal-work program, at least partially: 40,000 workers are expected in the country in April and another 40,000 in May.

On March 24, 2020, the Romanian government passed [Emergency Ordinance no. 3/24.03.2020](#) and declared a state of emergency to combat the COVID-19 pandemic. The ordinance imposed strict social distancing measures: travel outside one's home was prohibited except in instances required for the provision of basic needs like food, accessing health care, doing physical exercise, and managing local agricultural activities, and only on the basis of a self-completed and signed form justifying the travel; all flights to Germany and France were suspended for 14 days; and the circulation of persons over 65 years of age was restricted to a maximum of two hours a day between 11 am and 1 pm.

On April 4, a new [Emergency Ordinance, no. 7/04.04.2020](#), restricted commercial air travel to Austria, Belgium, Switzerland, the United States, the United Kingdom, Netherlands, Turkey and Iran for 14 days, and extended the suspension of flights to France and Germany for another 14 days. However, it exempted charter flights for the transport of seasonal workers from Romania to other states. In other words, regular flights to and from Germany continued to be suspended, while charter flights carrying seasonal workers were given a green light.

One-way national protection

Julia Kloeckner, Germany's minister of agriculture, has guaranteed that stringent health checks will be enforced for seasonal workers on departure and arrival,

and during the entire period of the seasonal work. These measures have been undertaken mainly to protect the German population. But safety is not one and the same for foreign and domestic bodies. This is shown clearly by the fact that on arrival, workers were required to live under a [quasi-quarantine](#), living and working separately from the domestic workforce for 14 days, sleeping in rooms now inhabited at half capacity, and being required to hot-wash clothing and dishes; then on departure, these very same workers were left sitting shoulder to shoulder, with complete disregard for social distancing measures.

What is happening is the separation of two types of subjects: those who deserve protection and those who do not. The deserving are the German subjects, whose lives and health are valued and should be protected from the foreign, potentially infected intruders; the undeserving are the Romanian seasonal workers, the disposable subjects, those whose work matters more than their health, and whose health becomes vital only in relation to the domestic population, that is, only in terms of not contaminating them.

Temporarily included in the labour market yet excluded from workplace benefits

Temporary work agreements are rarely beneficial to the workers. Their main aim is to help employers, generally located in the Global North, in maintaining a profitable business. It is why [Canada](#) transports agricultural workers from Mexico or live-in caregivers from the Philippines, and why, between 2007 and 2014, the [UK](#) restricted Romanian and Bulgarian migrants to self-employed authorizations and seasonal contracts in the food processing and agricultural fields.

Germany has had a long history of contracting people good enough to work but not good enough to be allowed to reside permanently in the country. Think of the [guest worker](#) program in the 60s: Turkish nationals arrived in Germany to work in factories and mines on a two-year visa without the possibility of accessing permanent residency.

Provisional migratory status transforms one into an undesirable, precarious subject, temporarily included in the lowest sectors of the labour market yet excluded from accessing the workplace and societal benefits and rights that generally come with [permanent residency and citizenship](#).

Prior to the COVID pandemic, issues of precarity for seasonal Romanian workers in Germany were thoroughly documented. Reports from [Faire Mobilität](#), a project sponsored by the German federal ministry of labour and the German federal ministry for economic affairs and energy, aiming to provide advice and support to Central and Eastern European workers regarding fair wages and working conditions, have highlighted the [numerous issues of exploitation](#) faced by Romanian workers: low wages, below the legal minimum of 9.35 euros per hour; illegal deductions from pay to cover exaggerated cost of meals or accommodation; lack of health insurance; and poor living conditions, such as having a dozen workers sleeping in a single shack.

Research on temporary work has also [shown](#) that being tied to a single employer increases vulnerability in the workplace, due to language difficulties, the constant fear of losing one's job, lack of information regarding rights under national employment legislation and a generalized fear of reporting workplace injuries.

Such exploitation will no doubt be compounded during a pandemic crisis. What happens if a worker falls sick? What type of care will be offered? And what happens in cases of workplace abuse? In cases of employer abuse prior to the pandemic, a worker could have risked losing her pay to fly back to Romania. But now there are no commercial flights operating, leaving workers no choice but to accept the conditions imposed by their employers.

Most seasonal work contracts in Germany are set for periods shorter than [70 days](#), which exempts German employers from having to make social security contributions for workers (for health insurance, pensions, etc.) and leaves the German state with no obligation to enrol them in the social security system. During the COVID-19 pandemic, this exemption period has been extended to [115 days](#). Seasonal workers are now staying longer in order to limit any additional movement that would contaminate domestic bodies, but without receiving any additional welfare benefits for this extended stay. The pandemic has now made it easier to extract more labour from seasonal workers without the obligation of increased welfare provisions.

The treatment of seasonal workers who depart Romania and head for Germany highlights a fact that is well understood in the East but largely ignored in the West: that the Eastern Bloc countries are unequal players at the European Union table and their membership in the Union mainly benefits the wealthy states of Western Europe by providing them with an easily accessed pool of cheap labour.

Yet if people are good enough to work they should be good enough to be cared for.

